

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

LEUNG *et al.*

Serial No.: 09/988,013

Filed: November 16, 2001

Title: IMMUNOCONJUGATES AND HUMANIZED
ANTIBODIES SPECIFIC FOR B-CELL
LYMPHOMA AND LEUKEMIA CELLS

Group Art Unit: 1643

Examiner: David Blanchard

Attorney Docket No.: IMMU-0014US2

Confirmation No.: 7681

VIA EFS-WEB

DECLARATION UNDER 37 CFR § 1.131

COMMISSIONER FOR PATENTS
P.O. Box 1450
ALEXANDRIA, VA 22313-1450

Sir:

I, David M. Goldenberg, being duly warned, declare as follows:

I am the founder of Immunomedics. Currently I serve as Chief Scientific Officer, Chief Medical Officer, and Chairman of the Board of Directors of Immunomedics.

I have read the Office Action dated March 29, 2010, and particularly the Requirement for Information under 37 CFR 1.105 which is communicated therein. After checking the records here at Immunomedics, I can state that:

1. Abstract #2872 and the Leung 1995 publication both relate to grafting of CDRs of LL2 onto human VH and VL frameworks.
2. No copy of the 1993 presentation corresponding to Leung *et al.*, *Proc. Am. Assoc. Cancer Res.*, Abstract #2872, vol. 34, p. 481, March 1993 (hereinafter "Abstract #2872") could be found after searching. Our search in this regard included a review of a full document search of this subject matter which was done in connection with a recent litigation.

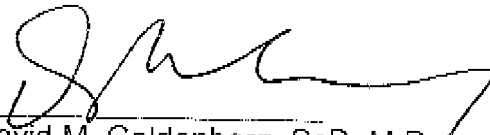
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3. The presentation in question occurred 17 years ago. However, to the best of my recollection, it was a poster presentation. I do not recall the exact length of time the poster was presented, but I believe that it was about 4 hours. There were no confidentiality restrictions or restrictions on copying.
4. I do not recall whether any additional information was displayed or presented that was not present in the printed Leung abstract #2872, such as what human heavy and light chain frameworks were selected and used for LL2 humanization or which LL2 murine framework residues were retained in the humanized antibody.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

August 30, 2010
Date


David M. Goldenberg, ScD, M.D.